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HARRISBURG, PA

NOV 13 2024

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

:

CR. NO. 1:24-CR-307

v.

:

(Judge CONNER)

FRANKLIN SAEL GONZALEZ,  
RICARDO BATISTA, and  
TAZWELL BERRIOS,

:

:

:

:

Defendants.

:

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

21 U.S.C. § 846

(Conspiracy to Distribute and Possess  
with Intent to Distribute Controlled Substances)

Beginning on or about October 10, 2022, and continuing to on or  
about October 15, 2022, in Lebanon County, within the Middle District  
of Pennsylvania, and elsewhere, the defendants,

FRANKLIN SAEL GONZALEZ,  
RICARDO BATISTA, and  
TAZWELL BERRIOS,

knowingly and intentionally combined, conspired, confederated, and  
agreed together and with each other, and with other persons known and  
unknown to the Grand Jury, to commit the following offenses against the

United States: to distribute and possess with intent to distribute 40 grams and more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), and (b)(1)(C).

All in violation of Title 21, United States Code, Section 846.

THE GRAND JURY FURTHER CHARGES:

**COUNT 2**

21 U.S.C. § 841(a)(1)

(Possession with Intent to Distribute a Controlled Substance)

On or about October 15, 2022, in Lebanon County, within the Middle District of Pennsylvania, the defendants,

**FRANKLIN SAEL GONZALEZ,  
RICARDO BATISTA, and  
TAZWELL BERRIOS,**

did knowingly and intentionally possess with intent to distribute 40 grams and more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), and (b)(1)(C), and Title 18, United States Code, Section 2.

THE GRAND JURY FURTHER CHARGES:

**COUNT 3**

18 U.S.C. § 924(c)(1)(A)

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about October 15, 2022, in Lebanon County, within the Middle District of Pennsylvania, the defendants,

**FRANKLIN SAEL GONZALEZ,  
RICARDO BATISTA, and  
TAZWELL BERRIOS,**

did knowingly possess a firearm, an FN Five-seveN MK2P, 5.7 x 28 mm pistol, serial number: 386416739, in furtherance of a drug trafficking crime for which each may be prosecuted in a court of the United States, that is, the crime of conspiracy to distribute controlled substances, in violation of Title 21, United States Code, Section 846, as alleged in Count 1 of this Indictment, and the crime of possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841, as alleged in Count 2 of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

THE GRAND JURY FURTHER CHARGES:

**COUNT 4**

18 U.S.C. § 922(g)(1)

(Possession of a Firearm by a Prohibited Person)

Beginning on or about October 13, 2022, and continuing to on or about October 15, 2022, in Lebanon County, within the Middle District of Pennsylvania, the defendant,

**FRANKLIN SAEL GONZALEZ,**

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit, an FN Five-seveN MK2P, 5.7 x 28 mm pistol, serial number: 386416739, and the firearm possessed was in and affecting interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(d)(1).

**FORFEITURE ALLEGATION**

1. The allegations contained in Counts 1 through 4 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code,

Section 853; Title 18, United States Code, Section 924(d); and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and Title 18, United States Code, Sections 924(c)(1)(A), and 922(g)(1) set forth in Counts 1 through 4 of this Indictment, the defendants,

**FRANKLIN SAEL GONZALEZ,  
RICARDO BATISTA,  
TAZWELL BERRIOS,**

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853; Title 18, United States Code, Section 924(d); and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offenses. The property to be forfeited includes, but is not limited to, the following:

- a. an FN Five-seveN MK2P, 5.7 x 28 mm pistol, serial number: 386416739.

3. If any of the property described above, due to any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c).

A TRUE BILL

GERARD M. KARAM  
United States Attorney

FOREPERSON

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DAVID C. WILLIAMS  
Assistant United States Attorney

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Date

11/13/2024